

FEDERAL HIGHWAY ADMINISTRATION

FINDING OF NO SIGNIFICANT IMPACT

For

Indiana Project
Des. No. 0710979

Road Reconstruction and Widening of US 150/SR 56/SR 37 from Prospect to Mitchell in Orange and Lawrence County, Indiana (**2012 Segment**)

An environmental assessment (EA) was approved by the Federal Highway Administration (FHWA) on February 15, 2005 for the road reconstruction and widening of US 150, SR 56 and SR 37 from Prospect to Mitchell, Indiana (Des. Nos: 9804660, 9804680, 9804690, 9804790 and 9804650). The EA indicated that the INDOT proposed to reconstruct US 150, SR 56 and SR 37 from Prospect to Mitchell. The project would begin in the Town of Prospect and extend east on US 150/SR 56 for 9 miles to the Paoli town square. From this point the project extended north on SR 37, excluding the Paoli Town Square, for 11.5 miles to the end of the project at the SR 37 intersection with CR 1000 South at the southern end of the Town of Mitchell. Total project length was approximately 20.5 miles. Additionally, the EA indicated that the project was to be divided into five segments. Segment 1 was not discussed in the EA as it was being studied under a separate document. Segments 2 through 5 were described as indicated below.

- Segment 2 included US 150/SR 56 from Prospect, east to Indian Boundary Road (CR 225 West) for a distance of 7 miles.

- Segment 3 began at the intersection of US 150/SR 56 with Indian Boundary Road (CR 225 West) and extended 2 miles east along US 150/SR 56 through the western portion of Paoli Town Square.

- Segment 4 began at the north approach of SR 37 to the Paoli Town Square. It then extended north along SR 37 through Paoli and ended 1.6 miles north of the Paoli Town Square.

- Segment 5 began 1.6 miles north of the Paoli Town Square, extended north along SR 37 for 10 miles through the Town of Orleans, ending at Lawrence County Road 1000 South.

As the project advanced into the design process, it was determined that construction cost and scheduling would require the larger project to be divided into smaller segments each with a new designation number. However, these segments did not match the segments as described above. US 150/SR 56/SR 37 corridor was modified and redesignated the **2011 and 2012 segments**. The Additional Information (AI) and Finding of No Significant Impact (FONSI) for the 2011 segment was approved on March 31, 2010, which included approximately 5.23 miles of US 150/SR 56 within Orange County from Prospect, Indiana to the bridge over a Branch of Lick Creek. This document pertains to the 2012 Section of the above-referenced project, located along approximately 1.75 miles of US 150/SR 56.

The 2012 Section is located between the west terminus of the 2011 Section (Des. No. 0710978),

approximately 720 feet east of the US 150/SR 56 intersection with CR 375 West) and the eastern terminus at a point 800 feet east of the intersection of US 150/SR 56 with CR 225 West. The limits of work extend approximately 350 feet along CR 225 West and 265 feet along CR 275 West. The project involves roadway resurfacing, roadway widening, providing roadway shoulders, and full depth pavement construction for the addition of a four-lane section with curb and gutter in certain locations essentially along the existing US 150/SR 56 alignment.

An AI was approved by FHWA and INDOT on August 18, 2011. As a result of public involvement subsequent to approval of the AI, an historic property within the project area was reevaluated and the project design was further modified to minimize historic property impacts. The AI was revised accordingly and was approved April 19, 2012.

The FHWA has determined that this project, as identified in the Environmental Assessment and Revised Additional Information, will have no significant impact on the natural and human environment.

The current project requires acquisition of a total of 22.63 acres of right-of-way. It should be noted that this total includes reacquisition of the US 150/SR 56 right-of-way. Right-of-way reacquisition was not accounted for in the right-of-way total estimated for the original project. As currently proposed the project will require reacquisition of 7.33 acres of the US 150/SR 56 right-of-way, acquisition of 14.02 acres of new permanent right-of-way and acquisition of 1.27 acres of temporary right-of-way.

No residential relocations or structure removals are proposed within the limits of the 2012 Section.

The Section 106 review for the current undertaking (2012 Section) was initiated with the SHPO and consulting Parties on April 22, 2011. Archaeological investigations did not identify archaeological sites listed on, or eligible for listing on the National Register of Historic Places. Two historic properties are located within the current APE, including the Newberry Friends Meeting House and Cemetery (NR-listed, IHSSI #117-496-30030) and the James Lindley Farm (NR-eligible, IHSSI #117-226-30029). INDOT, acting on behalf of FHWA-IN, issued a Finding of No Adverse Effect on June 2, 2011. A legal public notice of the Finding of No Adverse Effect was published in the Paoli News Republican on June 2, 2011. Public comments were requested to be provided by July 9, 2011. The SHPO concurred with this Finding on June 14, 2011. Two comments were received regarding a barn along the south side of US 150/SR 56, and inclusion into the James Lindley Farm historic boundary. A re-evaluation of the boundary was conducted, and recommended that land, a c.1840 barn and other buildings located on the south side of US 150/SR 56, were contributing elements of the property. INDOT, acting on behalf of FHWA, issued a revised Finding and supporting Section 800.11(e) documentation on December 14, 2011. A legal public notice of the revised Finding of Adverse Effect was published in the Paoli News Republican on December 15, 2011. The SHPO concurred with this revised Finding on January 13, 2012. A Memorandum of Agreement was prepared and executed on March 12, 2012.

This project (2012 Segment) will not use land from a publicly owned park, recreation area, or

wildlife and waterfowl refuge. As currently proposed, the project will not involve the acquisition of land from the NR-listed Newberry Friends Meeting House and Cemetery beyond the presumed existing right of way. Approximately 0.043 acres of US 150/SR 56 right-of-way will be reacquired from within the NR boundary which has been determined to be several feet off the existing edge of pavement. The proposed reacquisition constitutes a Section 4(f) use. Because the project's Section 106 effect upon this property is not adverse, FHWA has determined a De Minimis finding is appropriate.

The proposed right-of-way acquisition and roadway widening within the property's established NR boundary of the James Lindley Farm also constitutes a Section 4(f) use. A Section 4(f) Evaluation was prepared. FHWA provided a Draft Section 4(f) Evaluation document to the United States Department of Interior's Office of Environmental Policy and Compliance (DOI) for review and comment. In a letter dated February 29, 2012, the DOI indicated it would tend to concur that there are no feasible and prudent alternatives to the preferred alternative, which results in impacts to section 4(f) properties. The document was approved by FHWA's legal sufficiency team on February 13, 2012. Based upon the above considerations, there is no feasible and prudent alternative to the use of land from the Lindley Farm and the proposed action includes all possible planning to minimize harm to the historic property resulting from such use.

No jurisdictional wetlands were identified in the 2012 Section project limits during the field inspection. As currently proposed, the project will result in a total of approximately 250 linear feet of impacts to streams that are recommended in the Waters Report to be waters of the United States and under jurisdiction of the ACOE. It is not anticipated that mitigation for these impacts will be required. Mitigation requirements will depend upon the ACOE's jurisdictional determination, and will be finally determined during the permitting phase of the project. The project as currently proposed will require an IDNR Construction in a Floodway Permit.

Thirty one features within the **2012 segment** are considered karst features. INDOT will continue in the implementation of the Karst MOU procedural steps during project development.

The project as currently proposed will require the acquisition of up to 9.11 acres of farmland for permanent right-of-way, and 0.24 acres for temporary right-of-way.

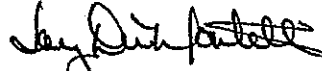
A public hearing was held for the overall project on June 15, 2005. A review of the comments received at the hearing and written comments received subsequent to the hearing did not identify comments specifically pertaining to the 2012 Section. In addition to the public notice of the Section 106 Finding of No Adverse Effect and FHWA's intent to issue De Minimis Section 4(f) findings, a public informational meeting was held on August 25, 2011, at the Orange County Community Center, in Paoli, Indiana. Subsequent to the above-noted public informational meeting, one written comment was received which required additional analysis into the James Lindley Farm historic boundary. A summary of the comments and responses are included in the Additional Information.

This Finding of No Significant Impact (FONSI) is based on the environmental assessment and the additional information that has been independently evaluated by the FHWA and determined to adequately and accurately discuss the environmental issues and impacts of the proposed

project. It provides sufficient evidence and analysis for determining that an environmental impact statement is not required. The FHWA takes full responsibility for the accuracy, scope and content of the Environmental Assessment and Additional Information.

4-20-2012

Date


JAY DUMONTELLE

for

Robert F. Tally, Jr., P.E.
Division Administrator

Date: April 12, 2012

To: Ms. Michelle Allen
Federal Highway Administration - Indiana Division
575 N. Pennsylvania St., Room 254
Indianapolis, Indiana 46204

Mr. Ben Lawrence
Environmental Policy Administrator
100 N. Senate Avenue
Room IGCN 642
Indianapolis, IN 46204

Re: **Revised Additional Information Document (AI) to Environmental Assessment (EA)**
Reconstruction and Widening of US 150/SR 56/SR 37 from Prospect to Mitchell
Released for Public Involvement by FHWA on February 15, 2005
Indiana Department of Transportation
Des. Nos.: 9804660, 9804680, 9804690, 9804790 and 9804650

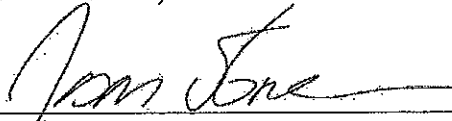
2012 Section, Current Des. No.: 0710979
DLZ No.: 0861-2730-50

The Environmental Assessment (EA) prepared for the referenced project was released for public involvement on February 15, 2005. DLZ Indiana, LLC was requested by INDOT to prepare an Additional Information Document (AI) to take into account the environmental effects associated with project modifications proposed since the 2005 release for public involvement. An AI was approved by FHWA and INDOT on August 18, 2011. As a result of public involvement subsequent to approval of the AI, an historic property within the project area was reevaluated and the project design was further modified to minimize historic property impacts. The AI has been revised accordingly and is hereby resubmitted for INDOT and FHWA approval.

This AI is limited to project modifications along approximately 1.75 miles of US 150/SR 56, between the west terminus of the 2011 Section (Current Des. No. 0710978 - approximately 720 feet east of the US 150/SR 56 intersection with CR 375 West) and the eastern terminus at a point approximately 800 feet east of the intersection of US 150/SR 56 with CR 225 West. The limits of work extend approximately 350 feet along CR 225 West and 265 feet along CR 275 West (2012 Section, current Des. No. 0710979). The revised AI is attached.

Thank you very much for your assistance on this project.

DLZ Indiana, LLC



Jason A. Stone
Environmental Scientist

cc: INDOT Vincennes District
PDF, CGH, GKF, DLZ File

**Revised Additional Information Document (AI) to Environmental Assessment (EA)
Released for Public Involvement by FHWA on February 15, 2005
Reconstruction and Widening of US 150/SR 56/SR 37 from Prospect to Mitchell
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Project Location/Information

The original project, located in Orange and Lawrence Counties, Indiana, involved reconstruction and widening of US 150/SR 56. The west terminus was near the unincorporated community of Prospect and the east terminus was the Town of Mitchell. Total project length was approximately 20.5 miles. Refer to **Exhibit 1** for a graphic which depicts the limits of the original project segments between Prospect and Paoli, as well as the project sections as they are currently delineated.

This Additional Information Document (AI) pertains to the 2012 Section of the above-referenced project, located along approximately 1.75 miles of US 150/SR 56. The 2012 Section is located between the west terminus of the 2011 Section (Des. No. 0710978), approximately 720 feet east of the US 150/SR 56 intersection with CR 375 West) and the eastern terminus at a point 800 feet east of the intersection of US 150/SR 56 with CR 225 West. The limits of work extend approximately 350 feet along CR 225 West and 265 feet along CR 275 West. The project involves roadway resurfacing, roadway widening, providing roadway shoulders, and full depth pavement construction for the addition of a four-lane section with curb and gutter in certain locations essentially along the existing US 150/SR 56 alignment. Refer to **Exhibit 2** for 2012 Section project location graphics.

Construction is anticipated to start during November, 2012 and end during November 2013. Estimated cost of the project is \$5,358,700.00, including construction, right-of-way acquisition and utility relocation costs.

Original Project Description

The original project (Des. Nos. 9804660, 9804680, 9804690, 9804790 and 9804650) was for reconstruction and widening of US 150/SR 56/SR 37, from the unincorporated community of Prospect to the Town of Mitchell Indiana, a distance of approximately 20.5 miles. A complete description of the originally proposed improvements is included in the text of the original EA, presented in **Appendix A**.

Original EA Document

The original Environmental Document is an Environmental Assessment prepared by Butler, Fairman & Seufert, Civil Engineers, for INDOT/FHWA-IN. The original EA was released for public involvement by FHWA-IN on February 15, 2005 (EA release for public involvement page presented in **Appendix A**).

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Purpose of Revised Additional Information Document

An AI was approved by FHWA and INDOT on August 18, 2011. As a result of public involvement subsequent to approval of the AI, an historic property within the project area was reevaluated and the project design was further modified to minimize historic property impacts. The AI has been revised accordingly.

Design Modifications Proposed since February 15, 2005 Release for Public Involvement

The following design modifications have been incorporated into the project:

- The US 150/SR 56 alignment has been realigned approximately 19.7 feet south of the existing centerline to avoid impacts to the front yard of the James Lindley Farm historic property located in the northeast quadrant of the intersection of US 150/SR 56 and CR 275 West. The alignment shift begins approximately 970 feet west of the intersection of US 150/SR 56 and CR 275 West and ties back into the existing centerline approximately 1,370 feet east of the intersection.
- The CR 275 West alignment was shifted to the west approximately 23 feet to avoid impacts to the James Lindley Farm historic property.
- The east project terminus has been shifted eastward approximately 1,237 feet to include the CR 225 West intersection.
- The northern terminus along CR 225 West was extended by approximately 154 feet to improve substandard vertical curves.
- The northern terminus along CR 275 West was extended by 82 feet to improve the roadway profile.
- A four lane section with curb and gutter was added between Sta. 13+887 and 14+974 to provide passing opportunities and minimize impacts to the James Lindley Farm historic property. The addition of curb and gutter eliminates the need to remove a barn located on the south side of the roadway.
- At the intersection of US 150/SR 56 and CR 225 West, a left turn lane has been added for eastbound US 150/SR 56 traffic to turn north onto CR 225 West and a right turn lane was added for westbound US 150/SR 56 traffic to turn north onto CR 225 West.
- The length of the proposed 5-foot x 10-foot box culvert located at Sta. 14+177 was increased by 76 feet in order to accommodate the newly added four lane section. The slope of the culvert necessitates addition of an energy dissipater at the outfall.
- Current INDOT procedures require solicitation of bids for alternate pavement design (concrete versus asphalt pavement) in areas of full depth pavement replacement. The

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selection of the pavement type to be used will include consideration of construction cost as well as future maintenance costs. This selection cannot be made until after bids are received.

- Additional right-of-way acquisition is associated with the above-listed project modifications.

Right-of-Way Modifications

The right-of-way requirements described in the original EA pertained to the overall project as it was segmented in 2005. The original EA stated that the project Segment 2 (Des. No 9804680), extending easterly from Prospect (east of the US 150/SR 56 intersection) about 7 miles to CR 225 West, required the acquisition of 69.5 acres of permanent right-of-way and 3.3 acres of temporary right-of-way. This project segment description does not coincide with the current project sections (see **Exhibit 1**). This segment of the overall project has essentially been divided into the 2011 and 2012 Sections. From a review of the original project plan sheets, DLZ Indiana, LLC has estimated that the project as described in the original EA required the acquisition of approximately 15.62 acres of permanent right-of-way and 1.67 acres of temporary right-of-way within the limits of the 2012 Section.

The need for right-of-way acquisition modifications relates to proposed design modifications listed above. A breakdown of the current right-of-way requirements is provided in **Table 1**.

Table 1. Right-of-Way Acquisition (Acres) – US 150/SR 56 2012 Section				
Land Use Type	Existing R/W Reacquisition	New R/W	Temporary R/W	Total R/W Requirement
Residential	2.33	4.55	0.79	7.67
Agricultural	4.58	9.11	0.24	13.93
Commercial	0.43	0.36	0.24	1.03
TOTAL	7.33	14.02	1.27	22.63

The current project requires acquisition of a total of 22.63 acres of right-of-way. It should be noted that this total includes reacquisition of the US 150/SR 56 right-of-way. Right-of-way reacquisition was not accounted for in the right-of-way total estimated for the original project. As currently proposed the project will require reacquisition of 7.33 acres of the US 150/SR 56 right-of-way, acquisition of 14.02 acres of new permanent right-of-way and acquisition of 1.27 acres of temporary right-of-way. In comparison to the right-of-way acquisition requirements estimated for the original project, the decrease in permanent right-of-way acquisition is 1.60 acres and the decrease in temporary right-of-way is 0.40 acres, for an estimated total decrease of 2 acres.

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Changes in Environmental Impacts

Wetlands

The original EA identified a total of 0.05 acres of wetland impacts. The identified wetlands were not located within the limits of the 2012 Section.

DLZ conducted a "Waters of the United States" determination the 2012 Section. Findings of these investigations are documented in a Wetland Delineation and Waters of the U.S. Report (Waters Report, DLZ, 2012), which identifies waters within the limits of the project as currently proposed and makes jurisdictional recommendations. The Waters Report will be submitted to the US Army Corps of Engineers (ACOE) for jurisdictional determination. The report is presented in **Appendix B**. No jurisdictional wetlands were identified in the 2012 Section project limits during the field inspection.

Stream Impacts

The original EA did not report specific stream impact information, but did note that stream impacts would occur throughout the project limits. The original EA noted that the project would require an IDNR Construction in a Floodway Permit.

DLZ conducted a "Waters of the United States" determination for the 2012 Section. Findings of these investigations are documented in a Wetland Delineation and Waters of the U.S. Report (Waters Report, DLZ, 2012), which identifies waters within the limits of the project as currently proposed and makes jurisdictional recommendations. The Waters Report will be submitted to the US Army Corps of Engineers (ACOE) for jurisdictional determination. The report is presented in **Appendix B**. Two unnamed tributaries of Lick Creek were identified within the limits of the 2012 Section (See **Appendix B - Figure 1**).

Unnamed Tributary No. 1 – No impacts are proposed at this stream crossing.

Unnamed Tributary No. 2 – The proposed improvements will result in approximately 246 linear feet of impact at this stream crossing in association with replacement of the existing culvert. This includes the proposed 141 foot long culvert, the energy dissipater on the downstream end, and the riprap on both ends of the culvert.

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As currently proposed, the project will result in a total of approximately 250 linear feet of impacts to streams that are recommended in the Waters Report to be waters of the United States and under jurisdiction of the ACOE. It is not anticipated that mitigation for these impacts will be required. Mitigation requirements will depend upon the ACOE's jurisdictional determination, and will be finally determined during the permitting phase of the project. The project as currently proposed will require an IDNR Construction in a Floodway Permit.

Karst

As described in the original EA, surveys of karst features within the overall project limits were conducted and documented (Earth Tech, 1997-1998, 2001 and 2004, on file with INDOT).

The draft investigation report dated January 1998 identified twelve karst features (designated 150O8 to 150O19) within the 2012 Section. No specific design plans were reviewed at that time, but potential highway construction impacts to the karst and generic mitigation procedures were provided, in accordance with the 1993 Memorandum of Understanding (MOU) between the Indiana Department of Transportation (INDOT), the Indiana Department of Natural Resources (IDNR), the Indiana Department of Environmental Management (IDEM) and the U.S. Fish and Wildlife Service (USFWS). In accordance with the MOU, these agencies were afforded the opportunity to comment on the karst survey report. As a result of Karst MOU agency comments, and additional comments from the Indiana Karst Conservancy and Indiana Geological Survey a number of minor additions and corrections were identified, and an updated draft report was prepared and submitted (Earth Tech, 2001).

In 2003-2004, new corridor plans were made available from DLZ Indiana, LLC for the Prospect to Paoli corridor, including the 2012 Section. Earth Tech conducted karst surveys at locations where the roadway or associated features would encroach on new ground. In preparing the plans, topographic survey identified several ground features (designated W, X, Y, Z, and AA) as karst that were not identified by Earth Tech in the 1997-1998 and 2001 reports. Earth Tech determined that most of these were not karst features. Specific measures to protect features were recommended as needed.

Supplemental evaluation of karst features was performed and documented (AECOM, March, 2011). The supplemental karst investigation was designed to both update the previously recommended karst protection measures based on the current designs and to provide coverage for additional right-of-way at the US 150/SR 56 intersections with CR 275 West and CR 225 West. In general, the survey was limited to the ground within 200 feet of either side of the existing roadway, but was expanded to include sensitive locations that could be affected by

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highway construction. The currently proposed slight realignments of US 150/SR 56 and CR 275 West intersection were not proposed at the time this supplemental karst investigation was performed. However, the supplemental and past investigations in the area adequately cover the area affected by the realignments.

One sinkhole was identified within the additional right-of-way area to be acquired at the CR 275 West intersection. This feature will not be affected by the project as currently proposed. No karst features were identified within the additional right-of-way area to be acquired at the CR 225 West intersection. Features in proximity to the realigned portions of US 150/SR 56 and CR 275 West will not be affected.

Karst features within the 2012 Section, as well as current recommendations for protection and mitigation, are listed in Table 1 of the *Supplemental Karst Investigation (Appendix C)*. INDOT will continue in the implementation of the Karst MOU procedural steps during project development. INDOT will consider the documented recommendations for karst feature protection and mitigation and will implement such measures as determined appropriate.

Relocations

The project as originally proposed required three relocations. None of these relocations were located within the limits of the 2012 Section. The project as originally proposed required the removal of the barn within the James Lindley Farm historic property, on the south side of US 150/SR 56.

No residential relocations or structure removals are proposed within the limits of the 2012 Section.

Farmland

The original EA identified a total of 86 acres of farmland acquisition with Orange County. Form AD-1006 was completed. The project received a total point value of less than 160 points. No further consideration was given for farmland protection. From a review of the original project plan sheets, DLZ Indiana, LLC has estimated that the project as described in the original EA required the acquisition of approximately 7.56 acres of farmland for permanent right-of-way and 0.60 acres for temporary right-of-way, within the limits of the 2012 Section.

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The project as currently proposed will require the acquisition of up to 9.11 acres of farmland for permanent right-of-way, and 0.24 acres for temporary right-of-way. The increase in farmland acquisition within the 2012 Section is 1.19 acres and relates primarily to alignment shifts for minimization of impacts to historic properties.

Because the project as currently proposed requires the acquisition of more farmland acres than originally proposed within the 2012 Section, Form AD-1006 was resubmitted to NRCS on May 17, 2011. NRCS responded on May 26, 2011. The completed Form AD-1006 was returned to the NRCS on June 2, 2011. Related correspondence is included in **Appendix D**. Since this project received a total point value of less than 160 points, this site will receive no further consideration for farmland protection. No other alternatives other than those already discussed in this document will be considered without a re-evaluation of the project's potential impacts upon farmland. This project will not have a significant impact upon farmland.

Cultural Resources

As described in the original EA, cultural resource investigations of the Area of Potential Effect (APE) established for the original undertaking were conducted for the identification of above-ground historic properties and archaeological sites. The APE was delineated to include land within 328 feet (100 meters) of the proposed roadway. Historic properties eligible for listing in the National Register of Historic Places (NRHP) were identified within the APE. No archaeological sites determined NRHP-eligible were identified within the APE. The Section 106 review concluded with an October 13, 2004 Finding of No Adverse Effect issued by FHWA-IN. The SHPO concurred with this Finding on November 9, 2004.

The Section 106 review for the current undertaking (2012 Section) was initiated with the SHPO and consulting Parties on April 22, 2011. Per 36 CFR Section 800.4(a)(1), the APE of the current undertaking (current APE) extends along 2.09 miles of US 150/SR 56, from 300 feet west of the intersection of CR 375 West to 1,440 feet east of CR 225 West, with a maximum width of 1,274 feet north and 565 feet south of the centerline of US 150/SR 56. Also included within the current APE are portions of CR 275 West, 775 feet north of the centerline of US 150/SR 56, and CR 225 West, 1,274 feet north of the centerline of US 150/SR 56.

Archaeological survey of the currently proposed additional right-of-way areas consisted of a records check and field reconnaissance, and were documented in a report (King and Zoll, October 22, 2010) provided to the SHPO on October 28, 2010. These investigations did not identify archaeological sites listed on, or eligible for listing on the National Register of Historic

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Places. It was the conclusion of these investigations that the project should proceed as proposed without further archaeological investigation.

Two historic properties are located within the current APE, including the Newberry Friends Meeting House and Cemetery (NR-listed, IHSSI #117-496-30030) and the James Lindley Farm (NR-eligible, IHSSI #117-226-30029). The James Lindley Farm was not identified as an historic property in the 2004 documentation.

The potential effects upon historic properties associated with the proposed project modifications were described in an April 22, 2011 preliminary Section 800.11(e) submittal recommending a Finding of No Adverse Effect. A revised version of the preliminary document text, including additional description of pavement type options, was provided to the SHPO and consulting parties on April 29, 2011. At the request of the SHPO (May 10, 2011 e-mail communication), a group known as Saving Historic Orange County was provided preliminary Section 800.11(e) documentation recommending a finding of No Adverse Effect and invited to participate as a consulting party. SHOC was sent the preliminary documentation on May 11, 2011, and comments were requested within 15 days of SHOC's receipt of the documents. The SHPO responded to the preliminary documentation in a letter dated May 13, 2011 and concurred with the identification of historic properties with the APE. The SHPO expressed its opinion that the project is not likely to alter characteristics of the identified historic properties in a way that would diminish their integrity. No other responses from consulting parties were received within the requested comment period.

INDOT, acting on behalf of FHWA-IN, issued a Finding of No Adverse Effect on June 2, 2011. A legal public notice of the Finding of No Adverse Effect was published in the Paoli News Republican on June 2, 2011. Public comments were requested to be provided by July 9, 2011. The SHPO concurred with this Finding on June 14, 2011. No other consulting party comments were received. No public comments were received.

SHOC responded to the preliminary documentation in a letter dated June 3, 2011, (outside the requested comment period). In that letter, SHOC asked why the barn along the south side of US 150/SR 56 was not raised as a concern. DLZ received the SHOC letter on June 8, 2011, and sent a reply that same day providing information regarding the historic property boundary justification and to inform SHOC that additional comment could be provided in response to the Final documentation mailed to all consulting parties on June 2, 2011. SHOC did not provide additional comments.

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Subsequent to the above-noted Finding the owners of the James Lindley Farm property objected to the established James Lindley Farm NR boundary (the historic property boundary was discussed at an August 25, 2011 Public Information Meeting held by INDOT in Paoli) in a letter dated September 9, 2011. They expressed the opinion that land and buildings south of the highway should be included in the historic property. It should be noted that the project as described at the time of the Finding would have resulted in the removal of the crib barn on the south side of the highway. Based upon information provided by the owners of the James Lindley Farm property, it was determined that the Lindley Farm property should be re-evaluated and that the Lindley Family would be added as consulting parties. The re-evaluation recommended that land, a c.1840 barn and other buildings located on the south side of US 150/SR 56 are contributing elements of the property. The NR boundary was adjusted accordingly.

A Consulting Party Meeting was held on November 16, 2011 to discuss the James Lindley Farm's adjusted NR boundary, as well as to discuss project alternatives under consideration and their relative potential for effects upon historic properties. Two alternatives involving northerly and southerly US 150/SR 56 alignment shifts were presented that would avoid the James Lindley Farm Property altogether. Two alternatives for improvements along the existing alignment were discussed. These alternatives included the preferred alternative, consisting of a 4-lane typical section similar to that described in the June 2011 documentation. However, to minimize impacts, curb and gutter were proposed in place of the previously proposed roadway ditches. It was explained that replacing the roadway ditches with curb and gutter eliminated the need to remove the barn on the south side of the highway. An alternative that would provide one travel lane in each direction with a passing blister and roadway shoulders within the limits of the Lindley Farm historic property was presented. This alternative would also implement curb/gutter in place of roadway ditches to reduce impacts. It was explained that the existing alignment alternatives would require the same amounts of right-of-way reacquisition/acquisition. No structures or other features that contribute to the historic character of the property would be impacted by either alternative. It was explained that while the two-lane/passing blister alternative would satisfy some elements of the project purpose and need, it would not improve safety conditions to the degree that the preferred alternative would, nor would it provide increased passing opportunities. Therefore, this alternative was not selected as the preferred alternative. Comments were requested within 15 days of the meeting. Minutes of the meeting were sent to the consulting parties on November 21, 2011. The SHPO requested a minor clarification in the meeting minutes regarding the length of the 4-lane passing section. Final minutes from the meeting were sent to the consulting parties on November 23, 2011. The SHPO provided written comments on the consulting party meeting in a letter dated December 5, 2011. The SHPO expressed the opinion that the existing alignment project alternatives would adversely affect the James Lindley Farm property. This letter also made reference to a set of steps leading to US 150/SR 56 in

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addition to a set of stairs with a railing. These sets of stairs are located within the slope along the northerly US 150/SR 56 frontage. Neither set of steps will be impacted by the project. No other comments regarding the meeting were received.

As a result of the revised James Lindley Farm historic property boundary and the implementation of curb and gutter as opposed to roadside ditches within the limits of the historic property, INDOT, acting on behalf of FHWA, issued a revised Finding and supporting Section 800.11(e) documentation on December 14, 2011. This documentation was provided to the SHPO and consulting parties that same day. A legal public notice of the revised Finding of Adverse Effect was published in the Paoli News Republican on December 15, 2011. Public comments were requested to be provided by January 16, 2012. The SHPO concurred with this revised Finding on January 13, 2012. In a letter dated January 18, 2012, SHOC did not object to the revised Finding. No other consulting party comments were received. No public comments in response to the legal public notice were received.

The Section 106 Memorandum of Agreement (MOA) specifies that the following mitigation measures will be incorporated into the project plans:

- The CR 275 West roadway alignment will be shifted to the west to avoid encroachment into the James Lindley Farm property and impacts to outbuildings along the roadway frontage in that area.
- The centerline of the US 150/SR 56 roadway alignment will be shifted to the south of the centerline of the existing alignment of that highway, to avoid a substantial encroachment into the front yard of the James Lindley Farmhouse. This alignment shift will preserve the existing slope along the property's northerly US 150/SR 56 frontage. Two sets of stairs and mature trees in this area will not be physically altered by this project.
- The US 150/SR 56 roadway typical section within the limits of the James Lindley Farm historic property has been modified to include curb and gutter, rather than typical roadside ditches, constructed adjacent to the roadway. The c.1840 barn located on the south side of US 150/SR 56 will not be physically altered by this project.
- As the design for the project progresses, INDOT and its consultants will make efforts to implement, wherever feasible, additional measures that could minimize the effects of the expanded roadway footprint through the James Lindley Farm historic property. Consideration of those additional measures will be informed by FHWA's and INDOT's current guidance on context sensitive solutions. INDOT or its consultants will provide the Indiana SHPO and other consulting parties with a summary of those additional measures that will be incorporated into the project design or, alternatively, a summary of the reason or reasons why no additional measures are feasible. The summary may be designated for

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informational purposes, only, and no comment period is required to be provided to the Indiana SHPO and the other consulting parties.

Section 106 documentation is presented in **Appendix E**.

Section 4(f) Property

As described in the original EA, the project resulted in a minor use of one Section 4(f) property; the NR-listed Newberry Friends Meeting House and Cemetery. The original EA contained a Section 4(f) evaluation demonstrating that there were no feasible and prudent alternatives to the proposed Section 4(f) use, and that the project included all possible planning to minimize harm from such use. Reacquisition of existing US 150/SR 56 right-of-way was not considered in this evaluation.

Newberry Friends Meeting House and Cemetery

As currently proposed, the project will not involve the acquisition of land from the NR-listed Newberry Friends Meeting House and Cemetery beyond the presumed existing right of way. Approximately 0.043 acres of US 150/SR 56 right-of-way will be reacquired from within the NR boundary which has been determined to be several feet off the existing edge of pavement. Within this area, minor grading just outside the existing edge of pavement is proposed to achieve positive drainage via a narrow v-bottom drainage swale. Minor grading within temporary right-of-way is also required for driveway reestablishment. The roadway profile will be lowered slightly in this area. Roadway pavement will not be shifted toward this property. None of the property's contributing elements or features are located within the area to be reacquired, and no impacts to contributing property elements are proposed.

The proposed reacquisition constitutes a Section 4(f) use. Because the project's Section 106 effect upon this property is not adverse, a De Minimis evaluation is appropriate. A De Minimis Section 4(f) Evaluation Memorandum containing photographs of this property, a graphic depicting the area to be reacquired and a representative cross-section of the proposed work along this property's frontage is presented in **Appendix F**, Section 4(f) Documentation.

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James Lindley Farm

This property was not identified as NR-eligible in the 2004 documentation. As described in the 2004 documentation, this project was for improvements essentially along the existing US 150/SR 56 alignment. This would have resulted in a Section 4(f) use and substantial encroachment onto the property as well as impacts upon several contributing property elements including sets of stairs leading from the farmhouse yard to the highway, mature trees and the c.1840 crib barn located on the south side of the highway.

The project as currently proposed incorporates measures to minimize impacts to this historic property. Alignment shifts are proposed along US 150/SR 56 and CR 275 West. Along US 150/SR 56, from approximately station 14+180 to station 14+470 right, the side slope will be changed from 3:1 to 2:1 and guardrail will be added to minimize impacts due to a change in grade in this location. From approximately station 14+700 to station 14+780 left, the flat bottom ditch will be replaced with an approximately 1 foot deep swale with a 2:1 back slope. To further reduce impacts, curb and gutter will be constructed adjacent to the roadway within the limits of the historic property rather than typical roadway ditches.

Approximately 0.189 acres of right-of-way will be reacquired from within the NR boundary along the US 150/SR 56 frontage, and approximately 0.168 acres of new right-of-way will be acquired from within the NR boundary. Minor grading within temporary right-of-way is also required for driveway reestablishment along CR 275 West and along US 150/SR 56. The existing slope along the northerly US 150/SR 56 frontage will not be impacted. The roadway profile will be lowered slightly in this area. Roadway pavement will not be shifted north toward the farm house. However, roadway pavement will be widened to provide a 4-lane section with curb and gutter, and will therefore shift south toward the barn on the south side of the highway. The barn is currently approximately 35 feet from the existing edge of pavement. After project completion the barn would be approximately 12 feet from the edge of curb at the closest point. None of the property's contributing elements or features will be impacted.

The proposed right-of-way acquisition and roadway widening within the property's established NR boundary constitutes a Section 4(f) use. Because the project's Section 106 effect upon this property is Adverse Effect, a De Minimis evaluation is not appropriate. A Section 4(f) Evaluation has been prepared to document that there is no feasible and prudent alternative to the use of land from the James Lindley Farm and the proposed action includes all possible planning to minimize harm to the James Lindley Farm resulting from such use. Section 4(f) documentation is presented in **Appendix F**.

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No other Section 4(f) properties such as public parks/recreation areas, or wildlife or waterfowl refuges are located within or near the project area.

FHWA provided a Draft Section 4(f) Evaluation document to the United States Department of Interior's Office of Environmental Policy and Compliance (DOI) for review and comment. In a letter dated February 29, 2012, the DOI indicated it would tend to concur that there are no feasible and prudent alternatives to the preferred alternative, which results in impacts to section 4(f) properties.

Public Involvement

A public hearing was held for the overall project on June 15, 2005. A review of the comments received at the hearing and written comments received subsequent to the hearing did not identify comments specifically pertaining to the 2012 Section. Several comments providing general support as well as general lack of support were received. Several comments expressed support for provision of passing lanes in portions of the project west of Paoli.

In addition to the public notice of the Section 106 Finding of No Adverse Effect and FHWA's intent to issue De Minimis Section 4(f) findings, a public informational meeting was held on August 25, 2011, at the Orange County Community Center, in Paoli, Indiana.

Subsequent to the above-noted public informational meeting, in a letter dated September 9, 2011, the owners of the James Lindley Farm property objected to the established James Lindley Farm historic property boundary. They expressed the opinion that land and buildings south of the highway should be included in the historic property. It should be noted that the project as described at the time of the Finding would have resulted in the removal of a c.1840 barn on the south side of the highway. This issue was discussed with members of the Lindley family at a Section 106 consulting party meeting held on November 16, 2011, where it was explained that based upon information they provided the NR boundary was adjusted to include land, the c.1840 barn and other buildings on the south side of the highway.

The September 9, 2011 Lindley letter questioned whether a 4-lane section is truly needed along US 150/SR 56. This issue was discussed with members of the Lindley family at a Section 106 consulting party meeting held on November 16, 2011, where it was explained that the 4-lane section is proposed to increase passing opportunities along the highway. INDOT guidelines call for 40% passing opportunity along roadways such as US 150/SR 56. Currently the roadway between Prospect and Paoli provides 18% passing opportunity in the eastbound direction and 12% passing opportunity in the westbound direction. With the proposed 4-lane passing section,

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passing opportunity would increase to 26%, which is still below the desired 40%. This fact highlights the need for increased passing opportunities.

The September 9, 2011 Lindley letter expressed the opinion that proposing a 4-lane passing section within an area where one was not previously proposed should have undergone additional alternatives evaluation as well as additional public involvement under NEPA. The letter noted property owners along the project route that the Lindleys have spoken with were surprised to learn at an August 25, 2011 Public information Meeting that a 4-lane section is now proposed in the 2012 Section. This issue was discussed with members of the Lindley family at a Section 106 consulting party meeting held on November 16, 2011, where it was explained that provision of the 4-lane section had been discussed at meetings of the SR 37/SR 145 Association. This group has been very interested in improvements along the US 150/SR 56 corridor, and its meetings are usually covered by various media. It was noted that such public involvement is useful but falls short of what is required by NEPA as these meeting were not held by INDOT. It was explained that there has now been public involvement for the project including the 4-lane passing section and that alternatives were being studied.

No additional comments relating to other environmental resources/issues were received. Public involvement documentation pertaining to the August 25, 2011 public informational meeting is presented in **Appendix G**.

Other Resources

With regard to other natural and social resource impacts not specifically noted above (public facilities, sole source aquifer, Section 6(f) property, threatened and endangered species, terrestrial habitat, floodplains, hazardous materials, community/economic impacts and environmental justice), all of the proposed project modifications occur within or adjacent to the originally proposed construction footprint. Field inspection of the areas affected by the proposed project modifications did not identify resources or issues of concern.

Conclusion

The proposed project modifications will result in encroachments upon abutting developed land uses. The current project requires acquisition of a total of 22.63 acres of right-of-way; 7.33 acres as reacquisition, 14.02 acres as new permanent right-of-way, and 1.27 acres as temporary right-of-way. In comparison to the original project, these totals represent a net reduction in new permanent and temporary right-of-way acquisition of 2.0 acres. No right-of-way will be required from landowners previously unaffected by the original project. No impacts to natural and social

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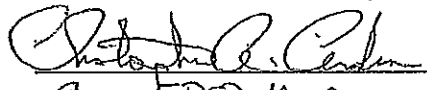
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resources beyond those described herein and in the original EA are anticipated to occur as a result of the proposed project modifications.

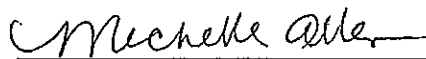
DLZ Indiana, LLC, on behalf of the Indiana Department of Transportation is formally requesting that a Finding of No Significant Impact (FONSI) be prepared pursuant to 40 CFR, Part 1500.4q and paragraph 5 of the DOT order 5610.1C implementing the National Environmental Policy Act of 1969.

AI Prepared by: Jason A. Stone, Environmental Scientist, DLZ Indiana, LLC

AI Reviewed by: INDOT - Office of Environmental Services

Signature:  Date: 4-17-2012
For: EPO Mgr.

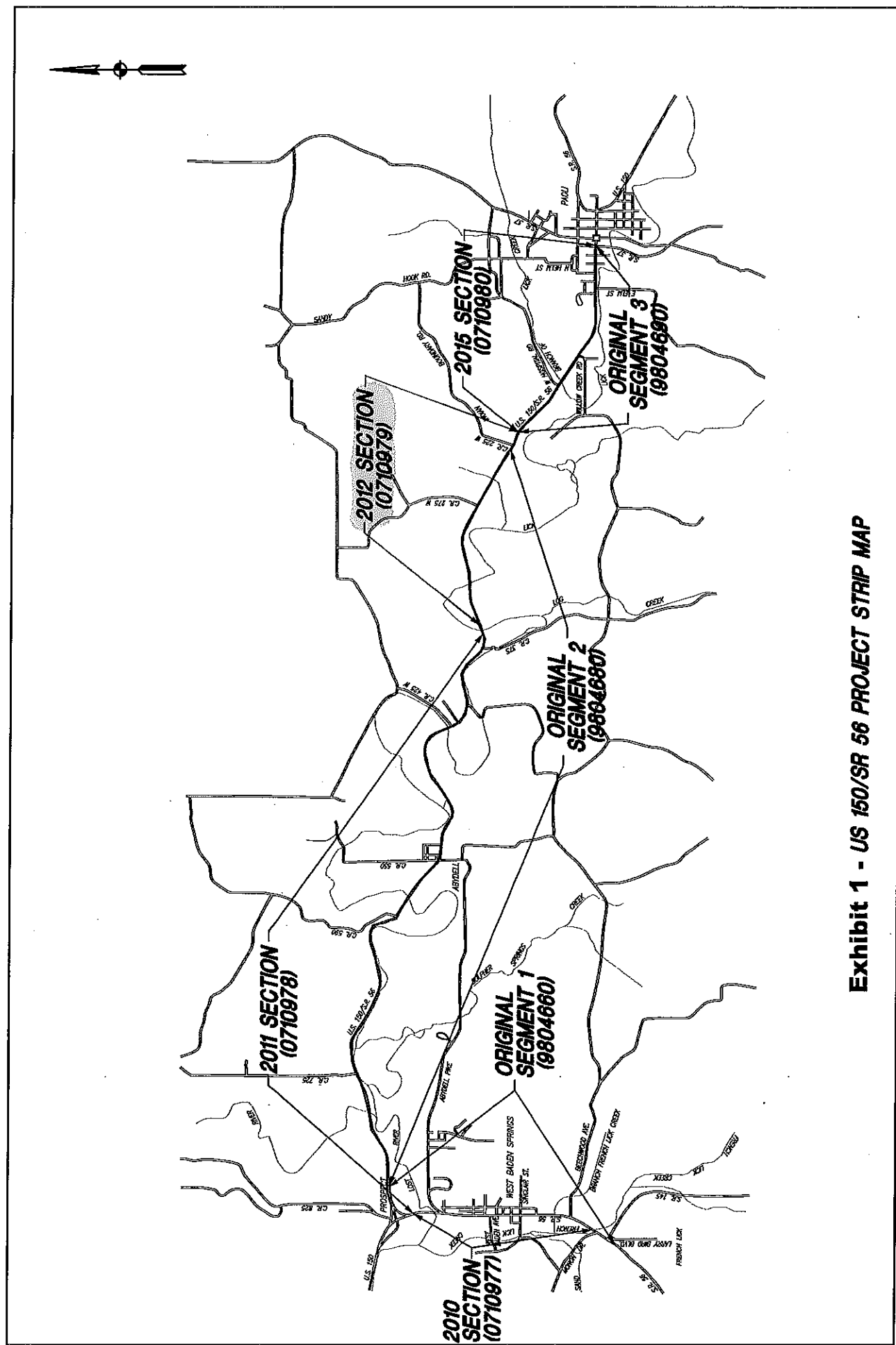
AI Reviewed by: FHWA - Indiana Division

Signature:  Date: 4-19-2012

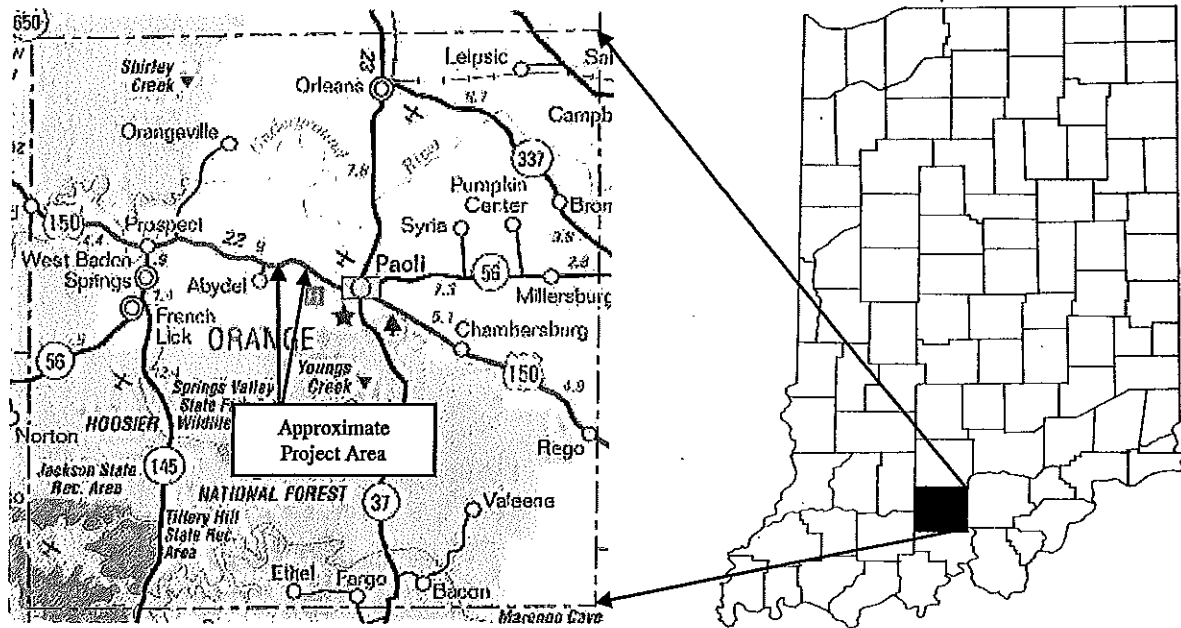
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2211 E. JEFFERSON BOULEVARD SOUTH BEND, IN 46815 PHONE: (574) 236-4400 FAX: (574) 236-4471

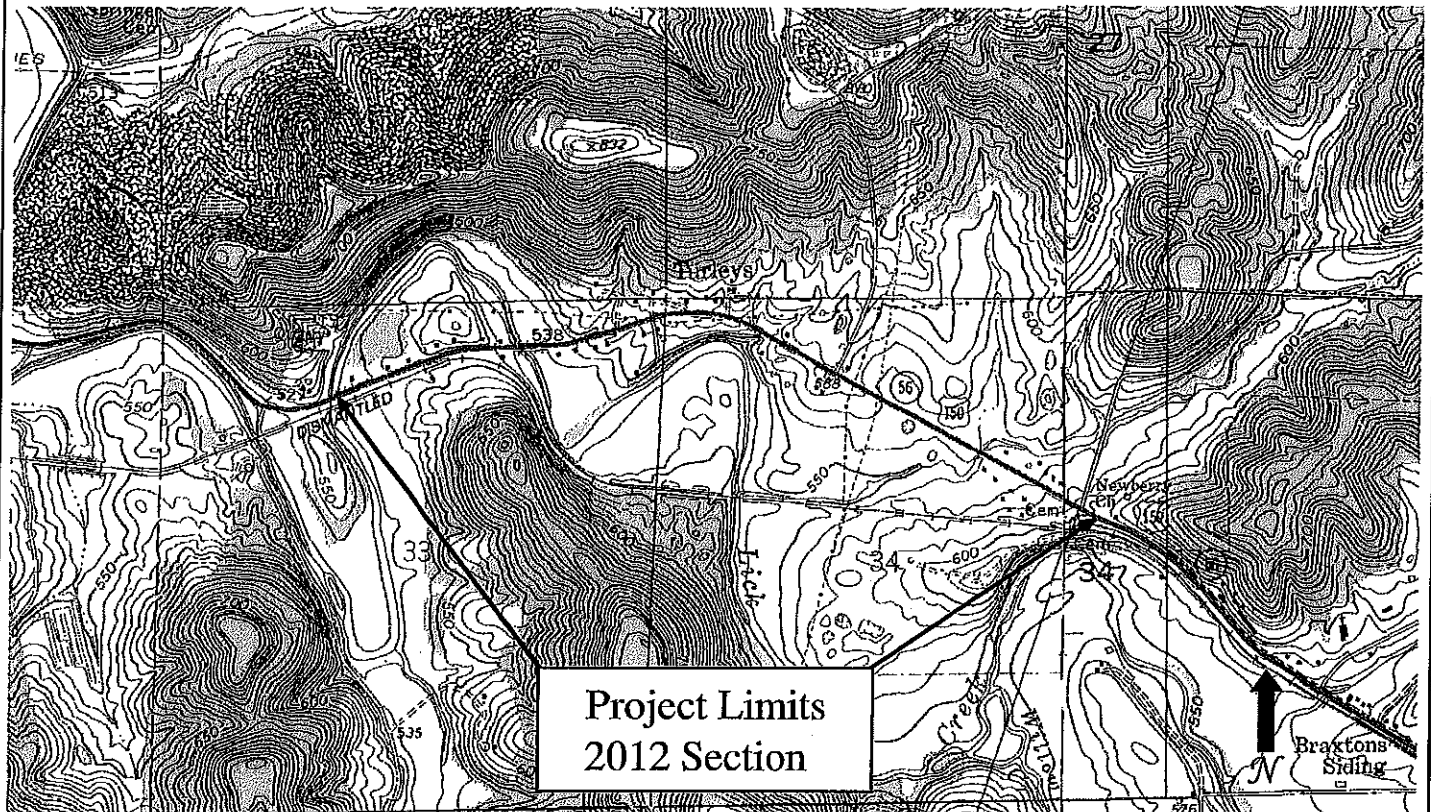
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Project Area Location Maps



Project Location – USGS



Scale: 1"=2000'



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Project Location
Graphics

Exhibit 2